

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Benny Ivan Small,

Plaintiff,

v.

Case No. 1:18cv897

Clermont County Jail, *et al.*,

Judge Michael R. Barrett

Defendants.

ORDER

This matter is before the Court on the Report and Recommendations (“R&Rs”) filed by the Magistrate Judge on March 7, 2019 and April 18, 2019 (Docs. 8, 12).

Proper notice has been given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the Report and Recommendation in a timely manner. *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). The Court notes, however, that though such notice was served upon Plaintiff, it was returned to the Court due to Plaintiff’s failure to apprise the Court of his change of address (Docs. 10, 14). Document 10 contained an Order (Doc. 7) and R&R (Doc. 8) was marked as being refused, unable to forward. Document 14 contained the R&R (Doc. 12) and was marked as being not deliverable, unable to forward. Because the R&Rs were mailed to the last known address, they were properly served, and party waived right to appellate review. *See also Jourdan v. Jabe*, 951 F.2d 108, 109 (6th Cir. 1991). A *pro se* litigant has a duty to supply the court with notice of any and all changes in his address). To date, no objections to the Magistrate Judge’s R&Rs (Docs. 8, 12) have been filed.

Accordingly, it is **ORDERED** that Magistrate Judge's first R&R (Doc. 8) is hereby **MOOT** and the second R&R (Doc. 12) is **ADOPTED**. Consistent with the recommendation by the Magistrate Judge, the Court dismisses this action with prejudice pursuant to Fed. R. Civ. P. 41(a)(2) at the instance of plaintiff's Motion to Dismiss (Doc. 11).

IT IS SO ORDERED.

s/Michael R. Barrett
Michael R. Barrett, Judge
United States District Court